

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

STEPHANIE LEIGH WHITAKER, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 1:18-cv-00540-WOB
	:	
vs.	:	Judge William O. Bertelsman
	:	
JUDGE JOSEPH W. KIRBY,	:	
	:	
Defendant.	:	

**NOTICE OF DEFENDANT JUDGE KIRBY IN RESPONSE  
TO COURT ORDER ON OCTOBER 2, 2018**

There was no appellate brief filed in the State Court appeal of this matter.

As can be seen in plaintiff/appellant's Certificate of Service, the appellant did not serve that brief on any opposing party.

Further, Judge Kirby exercises his judicial discretion in these matters based on what he believes is the best interests of the child. He therefore does not consider himself to be an "opposing party" and does not intend to file a State Court brief.

Respectfully submitted,

/s/ J. Stephen Teetor

J. Stephen Teetor, Lead Counsel (0023355)

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 8, 2018, a copy of the foregoing was filed electronically.  
Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.  
Parties may access this filing through the Court's system.

/s/ J. Stephen Teetor

J. Stephen Teetor